

EXP.046A



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Yuri Galperin, et al.
Appl. No. : 09/942,983
PCT Filing Date : August 30, 2001
For : METHOD AND APPARATUS
FOR DETERMINING A
PREPAYMENT SCORE FOR AN
INDIVIDUAL APPLICANT
Examiner : Siegfried E. Chencinski
Group Art Unit : 3692

PETITION UNDER 37 C.F.R. § 1.183 TO WAIVE 37 C.F.R. § 1.48(a)(2) DUE TO
PREVIOUSLY OMITTED INVENTOR'S REFUSAL TO SIGN A STATEMENT UNDER 37
C.F.R. § 1.48(a)(2) OR THE ASSIGNEE'S INABILITY TO REACH SAID INVENTOR
DESPITE DILIGENT EFFORT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

05/01/2008 TL0011 00000003 09942983
03 FC:1462 400.00 OP

Dear Sir:

Applicants hereby petition the Commissioner under 37 C.F.R. 1.183 to waive 37 C.F.R. § 1.48(a)(2) and to allow correction of inventorship despite a previously-omitted inventor's failure to sign a statement under 37 C.F.R. § 1.48(a)(2).

Over a period of more than 8 months, the assignee attempted to contact Charles L. Jones to obtain his statement under 37 C.F.R. § 1.48(a)(2) that he was erroneously omitted as an inventor from the above-referenced application through no deceptive intent on his part. Three letters enclosing the Rule 1.48(a)(2) statement, and requesting Mr. Jones' signature on the statement, have been delivered to Mr. Jones' last known address, as confirmed by certified mail return receipts. Despite this diligent effort, Mr. Jones has neither returned a signed Rule 1.48(a)(2) statement nor even communicated with the assignee or its attorney.

Applicants' submit that these circumstances show that Mr. Jones refuses to sign the Rule 1.48(a)(2) statement. At a minimum, even if the circumstances are not interpreted as a refusal, they show that despite diligent effort, Applicants have not been able to reach Mr. Jones.

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Applicants respectfully submit that justice requires the granting of this petition in order to preserve the rights of the owners of the above-referenced patent application in the subject invention. Applicants submit with this Petition the following:

1. A Declaration of inventorship signed by Yuri Galperin, Vladimir Fishman, and William Eginton. In accordance with *M.P.E.P.* § 409.03(a), the Declaration, signed by all available inventors with the signature blocks of the nonsigning inventor left blank is a declaration on behalf of the signing inventors and the nonsigning inventor Charles L. Jones III.
2. A Declaration of Ted M. Cannon, including attached Exhibits A-I, detailing the circumstances of Charles L. Jones III's refusal to sign a statement under 37 C.F.R. § 1.48(a)(2) or the assignee's inability to reach Charles L. Jones III despite diligent effort.
3. Payment in the amount of \$400.00 as required by 37 C.F.R. § 1.17(f) is included as listed on the transmittal letter.

In view of the foregoing submissions and to preserve the right of the owners of the above-referenced patent application in the subject invention, Applicants respectfully request waiver of 37 C.F.R. § 1.48(a)(2) to allow correction of inventorship under 37 C.F.R. § 1.48 be granted despite Charles L. Jones III's failure to sign a statement under 37 C.F.R. § 1.48(a)(2).

As indicated, payment in the amount of \$400.00 as required by 37 C.F.R. § 1.17(f) has been listed in the fees calculated on the transmittal letter. The Assistant Commissioner is authorized to charge any additional fees, including any fees for any required additional extension of time, or credit any overpayment, to Deposit Account No. 11-1410.

Respectfully Submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 4/28/2008

By: Ted M. Cannon
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